

1905-044 Chancery Cause: Powells Valley Bank } vs. William Hounshell &
Lee Co.

Tucker, Parkey, Ball, Pennington

CA-Debt
T-Property

-Deed

To the Hon.H.A.W.Skeen,Judge of the Circuit Court for Lee Co.,Va:

Humbly complaining,your orator,the Powell's Valley Bank,and incorporation,would respectfully represent and show unto your honor that on the 27th day of March,1905,Wm Hounshell executed his negotiable note payable to D.H.Parkey whereby he promised and agreed to pay to the order of said Parkey,six months after date thereof,the sum of \$100.00,and furthur agreed that should suit be brought thereon to pay to the said Parkey ir his assignee the furthur sum of 10%.as attorneys fees;and before the said note became due and payable,to wit on the day of the execution thereof the same was assigned and transfered to the said bank for valuble consideration,and the same is now owing and u npaid.

Your ortor furthur represents and showeth unto your honor that the same Wm Hounshell on the 7th day of November,1904,executed his negotiable note whereby he promised and agreed to pay to the order of W.Y.Tucker the sum of \$135,twelve months after the date thereof, and furthur agreed in case suit should be brought thereon to pay the furthur sum of 10% as attorneys fees,and after the execution of the said note,and ~~xxxxxx~~ the same being still unpaid,to wit on the day of the execution thereof,the said W.Y.Tucker,for valuble consideration, transfered and assigned the said note to the said plaintiff.

Your ortor furthur represents and will show unto your honor that in each of the said notes the said maker and endorsers each waived the benefit of the homestead exemption laws.

Your ortor will furthur represent and show unto your honor that said claims as above stated are just and unpaid,and that the plaintiff is entitled to and ought to recover from the said defendants said sums of money as above sated with interest thereon from the date of their maturety;that since the execution of the said notes as aforesaid , the said Wm Hounshell has become a non resident of the State of Virginia,and has some real estate situated in the county of Lee and State of Virginia;that the said Wm.Hounshell has removed out of the State with the intent to change his domicil;and is removing and has removed his estate and the proceeds of the sale of his property,or a material part thereof out of this State so that process of execution

will be unavailing, on a judgement obtained in this action.

Your orator would further represent and show unto your honor that this suit has been instituted at the request of the said endorsers of said two notes as aforesaid, they being simply the surety of the said Wm Hounshell, and desiring to have themselves protected by having your orator to institute this suit and attach what property the said Hounshell has left behind him.

The prayer therefore of your orator is that the said Wm Hounshell W.Y. Tucker and D.H. Parkey be made defendants to this bill of complaint and be required to answer the same but not under oath; that an attachment be issued and levied upon the said real estate of the said Wm Hounshell, and that the same be sold to satisfy the said debts as aforesaid together with the costs of this suit, and in case that the same shall not sell for a sum sufficient to pay said debts and said costs that ~~xx~~ a personal judgement be rendered against said sureties thereon for such remainder, and an execution issued thereon. And may all other further and general relief be granted your orator that the nature of its cause and good conscience requires, and it will ever pray &c.

Pennington Bros & Co.

Virginia, Lee County to wit:

I, H.C.T. Ewing, clerk of the circuit court for Lee County, do hereby certify that R.L. Pennington this day made oath before me that the statements made in the foregoing beill are true to the best of his knowledge and belief. Given under my hand this the 10th day of Aug., 1905.

H.C.T. Ewing, Clerk.

Pennington Bros

V. G. Rice in Charge

Costs:

Clerk.	\$10.86
Atty.	15.00
Shff.	1.50
N.P.	1.50
Wits.	.50
	<u>\$29.36</u>

N^m Howe shall it be

Filed Aug. 10, 1905

G. H. T. Ewing.
Clerk.

Pennington Bros.

ATTORNEYS AT LAW.

JONESVILLE AND PENNINGTON GARVA.

Powell's Valley Bank, Compl't.

vs.

W.Y.Tucker, D.H.Parkey and Wm. Hounshell, Defts.

This cause came on this day to be heard upon the bill of the Complainants and exhibits filed therewith ^{Depositions & returns} and the statement of of attorneys for the plaintiff and was argued by counsel.

On consideration of all which, and it appearing to the court that the land attached on in this cause has been sold under a prior attachment in favor of G.W.Garrett pending in this cause, and only brought a sum sufficient to pay said debt, and the said W.Y.Tucker and D.H.Parkey being security to the William Hounshell, for the several sums of money set out in the plaintiff's bill, and there eing nothing found out of which to pay said debts as the property of William Hounshell it is therefore ordered, adjudged and decreed that the said plaintiff, the Powell's Valley Bank, recover of D.H. Parkey, the sum of \$110.00, with interest thereon from the 27th day of September, 1905, being the amount claimed by the said plaintiff against said defendant, as security for the said William Hounshell in its said bill, and that the said plaintiff, the said Powell's Valley Bank, recover of W.Y.Tucker the sum of \$148.50, with interest thereon from the 7th day of November, 1905, being the amount claimed by the said plaintiff against the said Tucker, as security for the said William Hounshell in its said bill; that the said plaintiff recover of the said D.H.Parkey and W.Y.Tucker the costs of said suit in this behalf expended; for which recoveries as aforesaid execution may issue upon demand of said plaintiff's attorneys.

And this cause is stricken from the docket.

Virginia, Lee County to wit:

The Deposition of P.M. Ball & R.L. Pennington, taken before me C.E. Couk a notary public in and for the county of Lee and state aforesaid pursuant to notice at the ^{lv} office of R.L. Pennington on the 15th day of Dec, 1905, to be read as evidence on behalf of the plaintiff in a certain suit in chancery pending in the Circuit Court for Lee County, wherein the Powell's Valley Bank is plaintiff and Wm. Hounshell et al are defendants.

Present R.L. Pennington attorney for the plaintiff.
No one for the defendants.

R.L. Pennington a witness of lawful age being duly sworn deposes and says:

William Hounshell became indebted to the Powell's Valley Bank on Nov. 7th, 1904 in the sum of \$135.00 upon a note executed by the said Hounshell to W.Y. Tucker and by the said Tucker endorsed to said bank, which note was due 12 months after date thereof, as will appear by the said note with the endorsements thereon, here filed as part of this deposition as exhibit "A"; and on the 27th day of March 1905 he became further indebted to the said bank in the further sum of \$100 upon a note executed and made payable to ~~the~~ D.H. Parkey and by said Parkey endorsed to the said bank, which note became due six months after the date thereof, as will appear by the said note herewith filed as part of this deposition marked "B". The said bank received notice from Mr. Parkey that Wm. Hounshell was leaving the state and requested the bank to bring suit and attach the land and property of Hounshell, and I believe the same information was given by Mr. Tucker and like request made by him. Whereupon the matter was submitted to me as vice president of the said bank, and as attorney therefor, and we instituted suit for the notes and attached the property names in the sheriff's return. The records show that Hounshell was the owner of the land attached upon. I did not see Mr. Hounshell leave the State, nor have I seen him out of the State but all that I have seen who know him say that he is gone, and that he no longer resides in the county of Lee and State of

Virginia. I believe the claim of the said plaintiff as set up in the said bill is just and unpaid.

And furthur this deponent saith not.

R. L. Pennington

The furthur taking of these depositions is postponed and continued untill Monday next, December the 19th, to be resumed at the law office of R. L. Pennington between the hours of 8 A.M. and 8 P.M. of that day.

C. E. Leavelle N.P.

P. M. Ball another witness of lawful age being first duly sworn deposes and says:

Ques. State what official position you hold in Lee County:

Ans. I am high sheriff.

Ques. Were you acquainted with William Houndshell?

Ans. I was.

Ques. Did he then live in Lee County Virginia?

Ans. he did.

Ques. Where is he now, has he left the State, if so about when did he leave here?

Ans. He lived in Lee County at that time and left this State some time last spring.

And Furthur this witness saith not.

P. M. Ball

Virginia, Lee County To wit:

I, C. E. Couk, a notary Public in and for the County and State aforesaid do hereby certify that the foregoing depositions were duly taken, sworn to and subscribed before me at the time and places and for the purpose mention in said caption.

Given under my hand this the 19th day of Dec. 1905.

C. E. Couk N.P.

Bill of costs:-

N.P.	\$1.50
P.M. Ball Wit.	.50
	<u>\$2.00</u>

Pucci's Valley, Back

$\frac{7}{4}$ Depositions

W^m Hamshill

Filed Dec 19, 1905
H. C. Towing, clk.

Powell's Valley Bank
Jonesville, Va.

1140
\$ 135.00

JONESVILLE, VA.

190

One Year
days after date

2 promise to pay to the order of

W. Y. Tucker

One Hundred & thirty five Dollars.

Negotiable and payable, without offset, at POWELL'S VALLEY BANK, Jonesville, Va., for value received, and we waive the benefit of ~~our~~ homestead exemption as to the debt evidenced by this note.

Given under ~~our~~ hand 5 the date above written.

The undersigned, principals and endorsers, sureties and guarantors, hereby waive presentment for payment, demand, protest and notice of protest or non-payment of this note and diligence in bringing suit against any party hereto, and agree that time of payment may be extended without notice or other consent and without affecting their liability, and agree that if suit is brought hereon, or if placed in the hands of an attorney for collection, to pay ten per cent. attorney's fee, which shall be added to and become a part of the judgment.

Wm Hornshell

Due

7 Nov 1905

We, as endorsers of this note, waive demand, notice, protest, all exemption laws, and guarantee payment of same, and acknowledge that we sign with a full understanding of this endorsement.

W. G. Tucker

Exhibit filed
with representation
of R. R. Pennington

Powell's Valley Bank

Jonesville, Va.

\$ 100 00

JONESVILLE, VA.,

Mar

27

190

5

Six months

days after date

5

promise to pay to the order of

J. H. Parney

One hundred

Dollars.

Negotiable and payable, without offset, at POWELL'S VALLEY BANK, Jonesville, Va., for value received, and we waive the benefit of our homestead exemption as to the debt evidenced by this note.

Given under our hand 5 the date above written.

The undersigned principals, and endorsers, sureties, and guarantors hereby waive presentment for payment, demand, protest and notice of protest or non-payment of this notice and diligence in bringing suit against any party hereto, and agree that time of payment may be extended without notice or other consent and without effecting their liability, and agree that if suit is brought hereon to pay ten per cent. attorney's fee, which shall be added to and become a part of the judgment.

Wm. H. Henshell

Due

27 Sept

190

5

Powell's Valley Bank

We, as endorsers of this note, waive demand, notice, protest, all exemption laws, and guarantee payment of same, and acknowledge that we sign with a full understanding of this endorsement.

D A Parker

Exhibits filed
with deposition of
Rd Pennington -

Southwest Virginian, }
Jonesville, Va. { Form 100.

To

M. G. Tucker & D. H. Parker

TAKE NOTICE THAT

we shall on the

15th

day of Dec.

1905

189

at

hours of

8

A. M. and

8

P. M., of that day, proceed to take the depositions of

J. M. Ball

and others, which, when taken,

in

intended to be read as evidence in

our

behalf, in a certain suit in

Chancery

now

pending in the

Circuit

Court, of Lee County, Virginia, wherein you are

and 773 Hancock Defendants

and

we Plaintiffs

; and if, from any cause, the taking of said depositions be not com-

menced on that day, or, if commenced, be not concluded on that day, the taking of the same will be adjourned and con-
tinued from day to day, or from time to time, and from place to place, or at the same place, until the same shall be com-
pleted.

Respectfully yours,

Pawcett's Valley Post

By P. M. Ball

Caull's Valley Bank

vs.

Notice to Take

Depositions.

My Special.

H. M. Hunkin & Co

C. Bros.

D. Q.

Executed by
Deborah Ja
Copy of the with
to W. J. Tucker
and D. H. Parkey the
Dec 11 1905
W. B. Short & Son
P. M. Ball & Co

In the Circuit Court for the County of Lee:

Powell's Valley Bank, Incorporated,

Plaintiff,

vs

In Chancery,

Wm Houndshell, et al.,

Defendant.

Robert L. Pennington, agent and attorney for Powell's Valley Bank, an incorporation, maketh oath and saith that he believes the claim, for which the above entitled action is instituted, to be just, that he, the affiant believes that Powell's Valley Bank is entitled to an ought to recover the sum of \$258.50, in said action, \$110.00 of which will become due and payable on the 27th day of Sept., 1905, with interest thereon from that date, and \$148.50, the remainder thereof, will become due and payable on the 7th day of November, 1905, with interest thereon from that date; and to the best of his belief the said defendant Wm Houndshell is a non resident of the State of Virginia, and has estate and debts owing to said defendant within the county of Lee, and is sued with a defendant residing therein; is removing out of the State with the intent to change his domicile; is removing, and intends to remove and has removed his estate and the proceeds of the sale of his property, or a material part of the proceeds of such estate out of this State so that process of execution on a judgement, when obtained in said action, will be unavailing.

Robert L. Pennington

Subscribed and sworn to before me this the 10th day of Aug., 1905.

J. H. T. Ewing

Clerk of the Circuit Court for Lee County.

Powell's Valley Book

8 1/2 Affidavit for
7 Stockmen

Wm. Horns

Filed Aug 10, 1905.

J. H. Ewing,
Clerk.

This Deed made this the 22nd day of Dec. 1904 by and between Wayman Houndshell and Mollie Houndshell his wife of the first part and Almedie Slate Lafayette Houndshell and William Houndshell of the second part both parties of the County of Lee and State of Virginia, Witnesseth, that for and in consideration of the sum of three hundred dollars to them in hand paid the receipt of which is hereby acknowledged the parties of the first part do hereby grant, bargain, sell, and convey unto the parties of the second part a certain tract or parcel of land lying in the County of Lee and State of Virginia and situated about one mile west of Yellow Branch, known as the Frank Edmonson land containing by estimation 50 acres more or less and bounded as follows, to-wit Beginning on a poplar in a hollow thence North to a small hickory sprout thence North west to a rock thence north east to a gum in Cath James line, thence with said James and Martains line to a black oak Martains corner thence with C. C. Davis line to a hickory Jack Bumgardner corner thence with lines of Jack Bumgardner Ruphus Balls and N. M. Thomas lines to the beginning. And the said parties of the first part do covenant with the parties of the second part that they will warrant the title to the above described tract of land with all the appertences thereto belonging to have and to hold thaur heirs and assigns forever.

Witness the following signatures and seals.

Waymen Houndshell (Seal)

her

Mollie Houndshell (Seal)

mark

Virginia, Lee County, to-wit:

I, W. P. Weston a Justice of the Peace for the County and State aforesaid do certify that Wayman Hounshell and Mollie Houndshell whose names are signed to the foregoing Deed bearing date on the 22nd day of Dec. 1904 have this day acknowledged the same before me in my County and State aforesaid given under my hand this the 22nd day of December, 1904.

W. P. Weston, J. P.

Virginia, Lee County, to-wit:

In the Clerk's Office of Lee County, on this the 27th day of

December, 1904. This deed was presented, and together with the certificate of acknowledgment annexed, admitted^t to record.

Teste: H. C. T. Ewing, Clerk.

A Copy- Teste: *H. C. T. Ewing*
Clerk.

Copied from Deed Book No. 42, page 272 etc.

Wayman Hounshell
P of Deed
Almedie Slate et al

Copy

Clerk 60¢

THIS DEED, Made this 5th day of November, 1903, between M. G. Ely, Special Commissioner as hereinafter set forth, party of the first part, and Wm. J. Hounshell of the County of Lee State of Virginia, party of the second part: Whereas by a decree of the Circuit Court of the County of Lee entered on the ____ day of ____ 190__, in the chancery cause entitled Dr. W. L. Spencer vs. W. J. Mileham, Admr. &c- and others, therein depending, it was among other things adjudged, ordered and decreed that M. G. Ely, who was thereby appointed Special Commissioner for the purpose, shall sell by public auction, after certain advertisement, and upon certain terms in the said decree fully set forth certain real estate therein described and Whereas the said M. G. Ely, pursuant to the said decree, did on the 21st, day of September, 1903, after having duly advertised the same in accordance with the terms of said decree, offer for sale by public auction the following described real estate to-wit: the entire real estate owned by Jane Yeary at the time of her death and situated in Lee Co. Va. near Ann. P. O., and being fully described by certain deeds of record in the County Court Clerk's Office of Lee Co. to which reference is here made for a more particular description, containing 20 or 25 acres more or less. At which sale the said Wm. J. Hounshell made the last and highest bid therefor, and became the purchaser thereof at the price of Twenty nine & 50/100 dollars; and whereas the said sale was duly reported to the Court by the said Special Commissioner, and was by another decree entered in the said cause on the 5th day of Nov. 1903, by the said Court approved and confirmed; and whereas the said Wm. J. Hounshell hath paid the whole of the said purchase money which payment was duly reported to the said Court; and whereupon by another decree entered by the said Court in the said cause on the 5th day of Nov. 1903, the said M. G. Ely, was appointed Special Commissioner to execute and deliver to the said Wm. J. Hounshell a good and sufficient deed with special warranty conveying the said real estate to Wm. J. Hounshell in fee simple: Now, therefore this deed witnesseth, that for and in consideration of the premises and in obedience to

the said last mentioned decree, the said M. G. Ely Special Commissioner do grant unto the said Wm. J. Houndshell with special warranty the real estate hereinbefore fully described.

Witness the following signature and seal.

M. G. Ely, Special Commissioner (Seal)

State of Virginia, County of Lee, to-wit:

I, H. C. Joslyn, a Justice of the Peace for the County aforesaid, in the State of Virginia, do certify that M. G. Ely, Special Commissioner whose name is signed to the writing hereto annexed bearing date on the 5th day of Nov. 1903, has acknowledged the same before me in my County aforesaid. Given under my hand this 5th day of Nov. 1903.

H. C. Joslyn, J. P.

In the County Court Clerk's Office of the County of Lee, the 12th day of December, 1903. This deed was this day presented to me in my said office, and with the certificate annexed, admitted to record at 11 o'clock A. M.

Teste: B. M. Morgan, Clerk.

A Copy-Teste: H. C. Joslyn
Clerk.

Copied from Deed Book No.41, page 49 etc.

M. G. Ely Spe. Com.
To J. Deed
H^m J. Hounshell

Copy

Clerk 75¢

In the Circuit Court for the County of Lee.

Powell's Valley Bank,	Plaintiff:
Wm Hounshell, et al,	Defendants

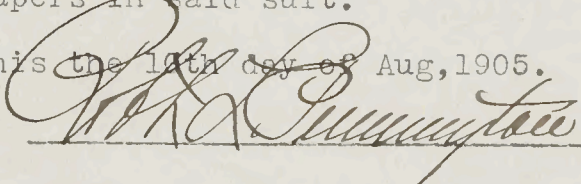
The general object of this suit now pening in the Circuit court for Lee County, Va., under the stile above given, and an attachment sued out therein, is to attach the estate of Wm Hounshell in the following property, to wit: two certain tracts or parecels of land situated in Lee county Va., and described as follows:

First;- Atract of land situated on Yellow Branch, known as the Frank Edmonson land and containing 50 acres more or less, and being the same land conveyed to said Wm, Hounshell by Wayman Hounshell and wife by deed dated the 22nd day of Dec., 1904, recorded in D.B. No. 42, page 272, to which deed reference is made for a more particular description.

Second;- A tract of land conveyed to the said Wm. Hounshell by M.G. Ely, Commissioner, containing 20 acres more or less, and evidenced by a deed from said Ely dated the 5th day of Nov. 1903, recorded in D.B. No. 41, page 49, to which deed, and references therein made, reference is here made for a more particular description of said tract of land;

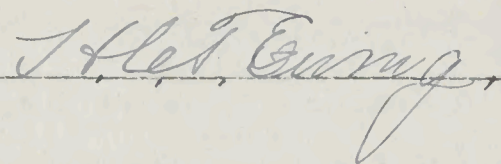
And to subject said land to the payment of the claim asserted against said Wm Hounshell in said suit, to wit a claim for \$258.50, and the costs of the said suit, and for the items of which, reference is here made to the file of papers in said suit.

Given under my hand this the 10th day of Aug, 1905.



Virginia, Lee County, to wit:

I, H.C.T. Ewing, clerk of the Circuit Court for Lee County do hereby certify that R.L. Pennington, whose name is signed to the foregoing ~~xxxx~~ instrument bearing date Aug. 10, 1905, this day acknowledged the same before me in my County and State aforesaid. Given under my hand this the 10th day of Aug. 1905.


_____, Clerk.

Virginia, Lee County, to-wit:

In the Clerk's Office of Lee County, on this the 10th day of August, 1905. The foregoing Lis Pendens was presented, and together with the certificate of acknowledgment annexed, admitted to record.

Teste:

J. H. T. Ewing,

Clerk.

Powell's Valley Book

v $\frac{1}{2}$ L's Pseudus &
7 Muns of Atch m't

W^m Hamshu staes

Recorded in
Deed Book
No. 43, page
46. Examined
Aug 10, 1905.
Indexed—

Clerk \$1.25

POWELL'S VALLEY BANK,

JONESVILLE, VIRGINIA.

Debit

Decr. 29-1905-

Am't paid by D.H. Parker for N.M. Harnsbee

for Int & 1/2 Chancery Costs \$127.51

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Wm Hounshell, W.Y. Tucker and D.H. Parkey

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the first Monday in September 190⁵,
to answer to a bill in chancery, exhibited against them in our said Court by
Powell's Valley Bank, incorporated,

And have then there this writ. Witness H. C. T. Ewing,
~~xxx Bxx Mxxxx~~ Clerk of our said Court, at
the court-house, the 10th day of Aug. 190⁵, and in the
12 130th year of the Commonwealth.

J. H. T. Ewing, Clerk.

Powell's Valley Bank,

vs.

•SUBPŒNA
IN
CHANCERY.

Wm Hounshell, et al.

Pennington Bros.

$p. q.$

To First Sept 1905 Rules

Lee Circuit Court.

Executed by delivering a true
copy of the within summons to
W.Y.Tucker, August the 14
1905.

1905.⁶
E. S. Ritzelton

D.S. for P.M.Ball, S.L.C.

The Commonwealth of Virginia:

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, that you summon Wm Hounshell, ~~W.Y. Tucker~~ W.Y. Tucker, and
D.H. Parkey,

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the first Monday in September, 190⁵,
to answer to a bill in chancery, exhibited against them in our said Court by
Powell's Valley Bank, incorporated,

And have then there this writ. Witness, H.C.T. Ewing,
~~XXXXXXXXXX~~ Clerk of our said Court, at
the court-house, the 10th day of August, 190⁵, and in the
12 130th year of the Commonwealth.

H.C.T. Ewing, Clerk.

Powell's Valley Bank

vs. $\frac{5}{4}$ Bice & Chomley

N^m Houshell & Co

Dece rec Final Dec.
Term 1905.